

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: '318 PATENT INFRINGEMENT LITIGATION)	C.A. No. 05-356 (KAJ)
)	(consolidated)

**DEFENDANTS TEVA PHARMACEUTICALS USA, INC. AND TEVA
PHARMACEUTICAL INDUSTRIES LTD., RULE 12(C) MOTION AND JOINDER IN
MOTION FOR JUDGMENT ON THE PLEADINGS DISMISSING PLAINTIFFS'
WILLFUL INFRINGEMENT CLAIM OR, IN THE ALTERNATIVE, TO BIFURCATE
AND STAY DISCOVERY ON SUCH CLAIM**

Defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd., ("Teva"), by and through its undersigned counsel, hereby moves this Court pursuant to Fed. R. Civ. P. 12(c) for an Order substantially in the form attached hereto dismissing Plaintiffs' willful infringement claim or, in the alternative, to bifurcate and stay discovery on such claim. Teva joins in Defendant Mylan's Rule 12(c) Motion for Judgment on the Pleadings Dismissing Plaintiffs' Willful Infringement Claim or, in the Alternative, to Bifurcate and Stay Discovery on Such Claim (D.I. 57) and incorporates by reference herein the Motion (D.I. 57), Memorandum (D.I. 58) and Compendium (D.I. 59) in support of the Motion filed by Defendant Mylan. The issues raised in both motions are identical.



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Dated: January 10, 2006

CERTIFICATE OF SERVICE

I, Karen E. Keller, Esquire, hereby certify that on January 10, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:


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I further certify that on January 10, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

BY FEDERAL EXPRESS

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